

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

No. 25-mj-07008-JCB

UNITED STATES OF AMERICA

v.

DAVID SMERLING

**ORDER PURSUANT TO
RULE 5 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE**

January 14, 2025

Boal, U.S.M.J.

Pursuant to the Due Process Protections Act, Pub. L. No. 116-182, 134 Stat. 894 (Oct. 21, 2020) and Rule 5(f) of the Federal Rules of Criminal Procedure, the United States is reminded of its obligation to disclose in a timely manner all exculpatory evidence to the defendant, that is, all evidence that is favorable to the defendant or tends to cast doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny. Failure to comply with this order may result in consequences, including, but not limited to, the reversal of any conviction, the exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, and/or sanctions by the Court.

/ s / Jennifer C. Boal
JENNIFER C. BOAL
UNITED STATES MAGISTRATE JUDGE